



**General Assembly**

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Item 55 of the provisional agenda*

Implementation of the resolutions of the United Nations**Letter dated 17 July 1998 from the Permanent Representative of
Nicaragua to the United Nations addressed to the Secretary-General**

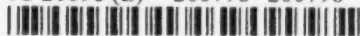
I have the honour to address you in my capacity as representative of a sovereign nation, in full exercise of the sovereign equality which is guaranteed to Member States under the Charter of the United Nations, to respond to the charges made in the letter dated 13 July 1998 (A/53/178) which Ambassador **Qin Huasun** of the People's Republic of China addressed to you in response to the letter which Nicaragua and 10 other nations sent on 8 July 1998 to request that the participation of the Republic of China in the United Nations should be included in the agenda of the fifty-third regular session of the General Assembly.

In his letter, Ambassador **Qin Huasun** refers repeatedly to "Nicaragua and a small number of other countries" and describes their request as "illegal activities".

It should be pointed out that, unlike last year, this time the Permanent Representative of the People's Republic of China is not threatening us but is singling out Nicaragua and insulting us by describing us as "being used by the Taiwan authorities". In reality, as sovereign and independent States, we have the right to disagree, and we cannot be described as instruments of any other country on those grounds since our request accords with the principles of the Charter of the United Nations. Therefore, in exercise of this sovereign equality which is guaranteed by the Charter of the United Nations, we do not have to request the authorization of any other State, not even a permanent member of the Security Council.

Nor can our request be termed "illegal", since it is not directed against any State in particular. Our position also accords with what the Permanent Representative of China says in paragraph 4 of his letter: "The United Nations is an intergovernmental organization composed of sovereign States" which are fully entitled to recognize a legally constituted State and request its representation in the United Nations. Our request is also in conformity with Article 4 of the Charter of the United Nations, whereby membership is open to sovereign States; the Republic of China derives its sovereignty from the consent of the

* A/53/150.



people and by virtue thereof it exercises jurisdiction over the territory of Taiwan. It should be pointed out that, unlike Hong Kong and Macao, the Republic of China is not a colonial enclave.

Our position is based on the *de jure* principle of universal representation which is the cornerstone of the United Nations; and on the fact that the Republic of China fully meets the requirements of a State.

The representation of the Republic of China would not be a permanent obstacle to reunification. We believe that the problem of peaceful reunification should be resolved through an understanding between the two parties and that this objective will be achieved once the People's Republic of China changes its course of resisting historical trends and becomes a true democracy. Once a democratic system is established in the People's Republic of China, unification will occur *ipso facto*.

I request you to have this letter circulated as an official General Assembly document in relation to item 55 of the provisional agenda.

(Signed) Enrique **Paguaga Fernández**
Ambassador
Permanent Representative



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Security Council

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GENERAL ASSEMBLY
Fifty-third session
Item 113 (c) of the provisional agenda*
HUMAN RIGHTS QUESTIONS: HUMAN
RIGHTS SITUATIONS AND REPORTS
OF SPECIAL RAPPORTEURS AND
REPRESENTATIVES

SECURITY COUNCIL
Fifty-third year

Letter dated 20 July 1998 from the Permanent Representative of
Austria to the United Nations addressed to the Secretary-General

I have the honour to bring to your attention the statement issued on 17 July 1998 by the President of the European Union on the report of the United Nations inquiry into human rights violations in the Democratic Republic of the Congo (the former Zaire).

I should be grateful if you would have the text of this letter and its annex circulated as a document of the fifty-third session of the General Assembly, under item 113 (c) of the provisional agenda, and of the Security Council.

(Signed) Ernst SUCHARIPA
Permanent Representative
of Austria to the United Nations

* A/53/150.



Annex

[Original: English and French]

Statement by the President of the European Union on the
report of the United Nations inquiry into human rights
violations in the Democratic Republic of the Congo (the
former Zaire), issued on 17 July 1998

The European Union is gravely preoccupied with the findings contained in the report of the United Nations Secretary-General's investigative team charged with the inquiry into violations of human rights and humanitarian law in Zaire/the Democratic Republic of the Congo and welcomes the United Nations Security Council Presidential Statement of 13 July. The European Union strongly condemns all massacres and other atrocities committed before, during and after the military campaign which led to the overthrow of the former Zairian regime.

The European Union is concerned about the difficulties that the investigative team encountered in carrying out its task and supports the recommendation that further investigation of alleged atrocities should be carried out. Recognizing that the Governments of the Democratic Republic of the Congo and Rwanda stressed in their reactions the incomplete and inconclusive nature of the report, the European Union urges both Governments to make a clear commitment to allow an independent and thorough inquiry without further delay. The European Union is looking forward to such a commitment and will follow closely its implementation.

The European Union welcomes the United Nations Secretary-General's decision to convey the report to the members of the international Panel of Eminent Personalities to investigate the 1994 genocide and surrounding events, established by the Organization of African Unity. The European Union looks forward to any recommendations of this Panel regarding the completion of the investigation into human rights violations in the region.

The European Union stresses the importance of putting an end to impunity if reconciliation and lasting peace is to be achieved in the Great Lakes region. Investigating all allegations of human rights violations and bringing those responsible to justice are indispensable parts of these efforts.

Without prejudice to the need for the completion of an independent inquiry, the European Union urges the Governments of the Democratic Republic of the Congo and Rwanda to investigate within the framework of their own judicial systems the allegations contained in the report of the United Nations Secretary-General's investigative team, and to bring to justice those responsible for crimes against humanity and other violations of human rights and humanitarian law. In this respect, the European Union welcomes the commitment of the Government of the Democratic Republic of the Congo to carry out its own inquiry. The European Union is ready to provide technical assistance to support this initiative.

The Central and Eastern European countries associated with the European Union, Cyprus and the countries of the European Free Trade Association, members of the European Economic Area align themselves with this declaration.
